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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/396,088 02/28/95 KOIZUMI

J 216110/90058
EXAMINER

GUARRIELLO, J

15M1/0525

CUSHMAN DARBY AND CUSHMAN
NINTH FLOOR
EAST TOWER
1100 NEW YORK AVENUE NW
WASHINGTON DC 20005-3918

ART UNIT PAPER NUMBER

1511
DATE MAILED:

05/25/95

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined. ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input checked="" type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 13, 14, 16, 17, 19, 22-24 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 13, 14, 16, 17, 19, 22-24 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with Informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable. ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____ has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed on _____, has been ☐ approved. ☐ disapproved (see explanation).
12. ☒ Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received
☒ been filed in parent application, serial no. 07/887 013; filed on May 22, 1992
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

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15.

Examiner acknowledges papers #21-23 of February 28, 1995 respectively.

16.

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 13, 14, 16, 17, 19 and 22-24 are rejected under 35

U.S.C. § 103 as being unpatentable over Takimoto et al. 4,761,333 in view of JP 60-92345.

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Takimoto suggests steering wheel materials which encompasses steering wheel pad. Polyvinyl chloride resin, phthalic acid ester and acrylonitrile butadiene rubber are suggested. (Column 1, lines 9-55; and column 2, lines 29-68).

JP '345 suggests a composition with vinyl chloride, a plasticizer of ethyl hexyl phthalate, filler and thermoplastic polyurethane, not polyethylene as applicant states.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the polyurethane of JP '345 in Takimoto and produce the claimed steering wheel pad because each reference suggests polyvinyl chloride with phthalic esters and the thermoplastic polyurethane would function to give a resilient composition. It would be within the skill of the artisan to optimize the amount of components to produce the composition. Obviousness does not require absolute predictability.

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17.

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 13, 14, 16, 17, 19 and 22-24 are rejected under 35 U.S.C. § 103 as being unpatentable over JP 60-92345 in view of JP 52-108454.

JP '345 as above in paragraph #16.

JP '454 suggests a composition with polyvinyl chloride and thermoplastic polyurethane resin. Translation requested.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the thermoplastic polyurethane resin of JP '454 in JP '345 and produce the claimed steering wheel pad because each reference suggests the components of the composition and the thermoplastic polyurethane of JP '454 would be expected to function equivalently. The skilled artisan could optimize the amount of components to produce the claimed steering wheel pad with its properties for low temperature flexibility, heat resistance and thermal aging resistance.


18.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Guarriello or Paul Michl, SPE whose telephone number is (703) 308-3209 or (703) 308-2451.



John Guarriello:cb
Patent Examiner

May 19, 1995
May 23, 1995


PAUL R. MICHL
SUPERVISORY PATENT EXAMINER
ART UNIT 156